

SENATE BILL REPORT

SB 5381

As Reported by Senate Committee On:
State Government & Elections, February 3, 2023

Title: An act relating to letters of recommendation or congratulations sent by legislators.

Brief Description: Concerning letters of recommendation or congratulations sent by legislators.

Sponsors: Senators Braun, Pedersen, Boehnke, Conway, Dhingra, Hunt, Keiser, King, Kuderer, Nguyen, Randall, Saldaña, Warnick, Wilson, C. and Wilson, J..

Brief History:

Committee Activity: State Government & Elections: 1/27/23, 2/03/23 [DPS].

Brief Summary of First Substitute Bill

- Clarifies when legislators may send letters of recommendation or congratulations.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Fortunato, Hasegawa and Kuderer.

Staff: Samuel Brown (786-7470)

Background: Ethics Act. The Ethics in Public Service Act (Ethics Act) prohibits state officers and state employees from using their public employment for personal gain or private advantage, or to provide special privileges or exemptions for anyone else unless required to perform duties within the scope of their employment. It is not an improper use of a legislator's position or public resources to advocate for constituents when a legislative nexus exists—when the constituent is involved in a dispute with a government agency or

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official, or seeking assistance on legislative issues.

Election Year Communication Freeze. Certain communications by legislators seeking re-election or election to another office are prohibited during a specified period, known as the election year freeze. Between the beginning of the candidate filing period, two Mondays before Memorial Day in May, through the date of certification of the general election, legislators seeking re-election or election to another office may not send mail or e-mail to constituents, except for routine legislative correspondence and congratulatory letters to constituents who have received awards or honors of extraordinary distinction and are awarded so infrequently as to be noteworthy. The Legislative Ethics Board has held that these restrictions apply to legislative staff as well.

Examples of extraordinary awards or honors include:

- national or international awards such as the Nobel or Pulitzer Prize;
- state awards such as the Washington Scholar;
- Eagle Scout awards; and
- the Medal of Honor.

Summary of Bill (First Substitute): Legislators may send the following documents by mail or e-mail at any time:

- letters of recommendation at the request of a constituent; and
- congratulatory letters to individual constituents for noteworthy infrequent awards or honors.

Legislators may send congratulatory letters to constituents upon request at any time other than during the election year communication freeze.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT & ELECTIONS COMMITTEE (First Substitute):

A reference to members is changed to legislators.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This is a straightforward bill in response to some confusion in member offices about when congratulations or references can be sent. There are differing interpretations about what is a noteworthy event, and we

technically aren't allowed to send congratulations at all. This is a reasonable change that sets clear guidelines, lines up with the current mailing freeze, and will allow us to recognize our constituents.

Persons Testifying: PRO: Senator John Braun, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.